

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Joe Louis Foulks v Usher Oil Company of Michigan**
Docket No. **258997**
L.C. No. **04-412104-NI**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

The motion to file a late answer to the motion to strike is GRANTED.

The motion to strike appellees' brief is GRANTED. Appellees' brief is STRICKEN because it impermissibly expands the record on appeal. The record on appeal is confined to the record made in the trial court. MCR 7.210(A)(1) and *Coburn v Coburn*, 230 Mich App 118, 122-123; 583 NW2d 490 (1998), rev'd on other grounds, 459 Mich 874, 875 (1998). Appellees' revised brief shall be considered untimely when it is filed. Within 21 days after service of appellees' revised brief, appellant may file a reply brief to substitute for the reply brief that has been filed.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 11 2005

Date

Sandra Schultz Mengel
Chief Clerk